

KAREN ALLEN HOLMES - NOVEMBER 18, 2004

<p style="text-align: right;">57</p> <p>1 Directing your attention to</p> <p>2 the performance appraisal, Bates Nos. 125</p> <p>3 and 126 -- are you familiar with that</p> <p>4 performance --</p> <p>5 A Yes.</p> <p>6 Q -- appraisal? And is that your signature</p> <p>7 on the bottom of page 125?</p> <p>8 A Yes.</p> <p>9 Q Okay. And are you the supervisor that is</p> <p>10 responsible for providing this performance</p> <p>11 appraisal of Ms. Griffith?</p> <p>12 A I was.</p> <p>13 Q Okay. And directing your attention to the</p> <p>14 rating system on page 125 -- are you in</p> <p>15 agreement with the rating system that's on</p> <p>16 the right-hand side, the numbers 3, 3, 3,</p> <p>17 3, 2, 3, 3 --</p> <p>18 A Yes, I am.</p> <p>19 Q -- as it runs down?</p> <p>20 Overall rating the performance</p> <p>21 of this particular year, which is 11/98</p> <p>22 through 11/99, it concludes that on</p> <p>23 page 126 that Ms. Griffith received a 3; is</p> <p>24 that correct?</p>	<p style="text-align: right;">59</p> <p>1 performance appraisal - attachment."</p> <p>2 MS. HILL: Counsel, if you</p> <p>3 would, please, I'd like to have the</p> <p>4 deponent identify the document. It's</p> <p>5 already been marked as Exhibit No. 2.</p> <p>6 Q Taking a look at Exhibit No. 2,</p> <p>7 Ms. Holmes -- are you familiar with that</p> <p>8 document?</p> <p>9 A Yes.</p> <p>10 Q And what is that document, Ms. Holmes?</p> <p>11 A It's an addendum or a memo that Monica</p> <p>12 Scanlon wrote to attach to my performance</p> <p>13 review.</p> <p>14 Q Okay. And what's the date of that memo?</p> <p>15 A January 5, 2000.</p> <p>16 Q And was that memo written on January 5,</p> <p>17 2000?</p> <p>18 MS. MOORE: Objection.</p> <p>19 A I would believe so.</p> <p>20 Q Okay. And on January 5, 2000, that memo</p> <p>21 was written from Monica Scanlon?</p> <p>22 A (Nodding.)</p> <p>23 Q Was Monica Scanlon employed with CU on</p> <p>24 January 5, 2000?</p>
<p style="text-align: right;">58</p> <p>1 A Yes.</p> <p>2 Q And a 3, according to the key, is</p> <p>3 proficient --</p> <p>4 A Yes.</p> <p>5 Q -- Isn't that true?</p> <p>6 A Yes.</p> <p>7 Q Okay. And so under your supervision for</p> <p>8 this time period, through November of 1999,</p> <p>9 is it fair to say that you would rate</p> <p>10 Ms. Griffith as being a proficient</p> <p>11 employee?</p> <p>12 A Yes.</p> <p>13 Q Okay. Attached to this particular</p> <p>14 evaluation -- I'm handing you what's been</p> <p>15 marked as Exhibit No. 2 (handing). Are you</p> <p>16 familiar with that document?</p> <p>17 MS. MOORE: For the record,</p> <p>18 Exhibit No. 2 is DEF 00- --</p> <p>19 MS. HILL: I'll ask her to</p> <p>20 identify it, Counsel, please.</p> <p>21 MS. MOORE: It's DEF 0082,</p> <p>22 which is entitled "Interoffice Memorandum,"</p>	<p style="text-align: right;">60</p> <p>1 A Monica left the employment in December of</p> <p>2 1999; and for 30 days past, they left her</p> <p>3 in the system to clean up things -- you</p> <p>4 know, do e-mails and send -- so she worked</p> <p>5 with Tom and I over the month of January</p> <p>6 and had access to the system. She just</p> <p>7 didn't come into the office. And that's</p> <p>8 all I know.</p> <p>9 Q So was she still employed with CU --</p> <p>10 MS. MOORE: Objection.</p> <p>11 Q -- in January of 2000?</p> <p>12 A I don't know.</p> <p>13 Q When you mean she was left in the system --</p> <p>14 explain what you mean.</p> <p>15 A Well, she had e-mail access through</p> <p>16 January 30, because she communicated with</p> <p>17 myself and Tom Danforth.</p> <p>18 Q Okay. When you departed in May of 2002,</p> <p>19 were you still left in the system?</p> <p>20 A I left in 2003, I think. I don't know.</p> <p>21 I'm -- hang on. No.</p> <p>22 Q Okay. But Monica Scanlon was still left in</p>

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1 supervision?

2 A Yes.

3 Q Which is a table, and you chart the

4 vacation days and sick days?

5 A It's an Excel spreadsheet --

6 Q Okay.

7 A -- in Excel. And so when I get up here

8 where it says "Allocated" (pointing) --

9 Q Okay.

10 A -- all it does is -- this is Bernadine

11 (pointing). So you can see that she has

12 8.5 vacation days that are carryover, so

13 she starts out with that. And as you put a

14 minus 1 in, you know, each time it -- it

15 either adds or subtracts so that the

16 employees -- I could know, you know, how

17 much time they had left. Because most

18 people, you know, didn't keep track of --

19 they didn't keep track of their own

20 vacation, and they would come and say, "How

21 many days do I have left?"

22 Q Okay. Was this particular table kept on

23 your computer system, or was it on your

24 secretary's computer system?

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1 A This is mine.

2 Q On yours?

3 A Yes.

4 Q Okay. And did you distribute copies of

5 attendance records to any other employee at

6 CU?

7 MS. MOORE: Objection.

8 A Just their own. I was -- I tried to at

9 least, you know, two or three times a year

10 give this sheet to each individual --

11 Q Okay.

12 A -- so that they knew, you know, what they

13 had.

14 Q Was there any other system or procedure you

15 kept for tracking of an employee's

16 attendance --

17 MS. MOORE: Objection.

18 Q -- other than this table that we have

19 before us?

20 A I created a job performance record.

21 Q Okay. And what's the job performance

22 record that you -- please describe that.

23 A That was a sheet I made to keep track of

24 specific employees' arrival times and when

1 they called in.

2 Q Their arrival times?

3 A Their arrival times.

4 Q Did you also keep track of their departure

5 time?

6 A No.

7 Q Just the arrival?

8 A Just the arrivals.

9 Q How was it that you were able to be

10 certain, if at all, that an individual had

11 worked a full day?

12 MS. MOORE: Objection.

13 A Well, if I got into work at 8:30, I knew

14 that, you know, there were people already

15 in or watched when people came in, then I

16 knew what time they were to go home.

17 Q But you didn't check specifically to see if

18 they had left?

19 A No. Because -- because there were

20 different people that came in later, and

21 I'm not -- you know, I didn't stay until

22 7:00 every night to monitor that. So, no,

23 I kept no record of when people left.

24 Q Did you require the employees under your

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1 supervision to check in with you when they

2 arrived each morning?

3 A No.

4 MS. MOORE: Objection.

5 Q So how is it that you were able to be

6 certain whether an individual had duly

7 arrived each morning?

8 A Because I walked around the floor.

9 Q You walked around the floor?

10 A Yeah, the area where we all sat.

11 Q How long did it take you to walk around the

12 floor each morning?

13 A Ten seconds --

14 Q Okay.

15 A -- barring "good morning" or a chat with

16 someone.

17 Q And what time did you walk around the floor

18 each morning?

19 MS. MOORE: Objection.

20 A I don't recall. Several times.

21 Q When's the first time in which you walked

22 around the floor to check to see if your

23 employees were present each morning?

24 MS. MOORE: Objection.

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<p style="text-align: right;">85</p> <p>1 A Around 9:30ish.</p> <p>2 Q Approximately 9:30 you would walk around</p> <p>3 the floor to make certain that the</p> <p>4 individuals in the group were present and</p> <p>5 working?</p> <p>6 A Correct.</p> <p>7 Q Okay. Did you also walk around subsequent</p> <p>8 to 9:30 if an individual or one of your</p> <p>9 members wasn't present at that time?</p> <p>10 A Yes.</p> <p>11 Q Okay.</p> <p>12 THE WITNESS: Kathleen -- I'm</p> <p>13 sorry -- can we take a break?</p> <p>14 MS. HILL: Sure.</p> <p>15 (Off the record)</p> <p>16 (A break was taken.)</p> <p>17 (Back on the record)</p> <p>18 MS. HILL: Could I have the</p> <p>19 next one marked as Exhibit 4.</p> <p>20 (Exhibit No. 4, the 4/12/00</p> <p>21 performance job record for</p> <p>22 Bernadine Griffith, was marked</p> <p>23 for identification.)</p> <p>24 Q Ms. Holmes, on your break, the next</p>	<p style="text-align: right;">87</p> <p>1 Q Okay.</p> <p>2 A These pertain to Bernadine. The other ones</p> <p>3 would be the days, dates, and times of the</p> <p>4 other person.</p> <p>5 Q Right. That's what I mean. Is this your</p> <p>6 standard procedure for tracking of</p> <p>7 employees' job performance under your</p> <p>8 control?</p> <p>9 MS. MOORE: Objection.</p> <p>10 A Yes.</p> <p>11 Q And what was the purpose of generating a</p> <p>12 performance job report -- or performance</p> <p>13 job record? I'm sorry.</p> <p>14 A I had some concerns about the patterns with</p> <p>15 two employees. Bernadine was one of them.</p> <p>16 Q And who was the other employee?</p> <p>17 A Mary Ann Russo.</p> <p>18 Q Okay.</p> <p>19 A You know, having excessive absenteeism or</p> <p>20 tardiness.</p> <p>21 Q So you created a performance job record</p> <p>22 with regards to Mary Ann Russo and</p> <p>23 Bernadine Griffith?</p> <p>24 A Yes, I did.</p>
<p style="text-align: right;">86</p> <p>1 document was marked Exhibit No. 4. If you</p> <p>2 would take a look at that document, Exhibit</p> <p>3 No. 4, and identify that with the Bates</p> <p>4 numbers; and state what that document</p> <p>5 pertains to, if you would, please</p> <p>6 (handing).</p> <p>7 A It's job performance record, and it's</p> <p>8 DEF 0093 and DEF 0094.</p> <p>9 Q It's your performance job record?</p> <p>10 A Yes.</p> <p>11 Q Is this the typical performance job report</p> <p>12 that you kept and maintained on each of the</p> <p>13 employees under your supervision?</p> <p>14 A No.</p> <p>15 Q This format. I'm sorry?</p> <p>16 A No.</p> <p>17 Q Did you create performance job records for</p> <p>18 any other employees under your supervision?</p> <p>19 A Yes.</p> <p>20 Q Okay. And what's the difference between</p> <p>21 their job performance record, if any, and</p> <p>22 this particular record?</p> <p>23 A The only difference would be the facts</p>	<p style="text-align: right;">88</p> <p>1 Q Any other individuals did you generate a</p> <p>2 performance job record?</p> <p>3 A No, I did not.</p> <p>4 Q Okay. All right. Directing your attention</p> <p>5 to the Bates No. 93, the first page of this</p> <p>6 record -- the first date on this record is</p> <p>7 April 12, 2000. Is that the first date and</p> <p>8 time that you entered in 2000 in</p> <p>9 Ms. Griffith's performance job record?</p> <p>10 A Yes.</p> <p>11 Q So prior to April 12, 2000, there was no</p> <p>12 performance job record on Ms. Griffith?</p> <p>13 A That's correct.</p> <p>14 Q Directing your attention to Exhibit</p> <p>15 No. 3 -- is that the only documentation of</p> <p>16 Ms. Griffith's attendance record that you</p> <p>17 personally created prior to April 12, 2000?</p> <p>18 MS. MOORE: Objection.</p> <p>19 A Are you asking me if --</p> <p>20 Q Take a look at that.</p> <p>21 A I need to be clear on what you're asking.</p> <p>22 Are you asking me if this document -- I'm</p> <p>23 talking about the 2000 attendance for</p>

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<p style="text-align: right;">89</p> <p>1 Exhibit 3 -- I need -- please ask the</p> <p>2 question again.</p> <p>3 Q Sure. I was directing your attention first</p> <p>4 to Exhibit No. 4.</p> <p>5 A Correct.</p> <p>6 Q And I had noted that you started keeping a</p> <p>7 written record of Ms. Griffith's</p> <p>8 performance job record on April 12, 2000.</p> <p>9 A Correct.</p> <p>10 Q And you had established that you did not</p> <p>11 keep any other performance job record</p> <p>12 pertaining to Ms. Griffith prior to</p> <p>13 April 12, 2000.</p> <p>14 A Correct.</p> <p>15 Q So my question, then, is: With regards to</p> <p>16 her attendance record -- directing your</p> <p>17 attention to Exhibit No. 3 -- is this the</p> <p>18 only written form of documentation that you</p> <p>19 kept with regards to Ms. Griffith's</p> <p>20 attendance?</p> <p>21 MS. MOORE: Objection.</p> <p>22 A I believe so.</p> <p>23 Q Okay. So apart from Exhibit No. 3 and</p> <p>24 Exhibit No. 4, did you have a system in</p>	<p style="text-align: right;">91</p> <p>1 time be at 10 a.m.?</p> <p>2 MS. MOORE: Objection.</p> <p>3 A I don't remember.</p> <p>4 Q Okay.</p> <p>5 A I was given a note. Bernadine gave me a</p> <p>6 note.</p> <p>7 Q And when did Ms. Griffith give you the</p> <p>8 note?</p> <p>9 A I don't remember. I --</p> <p>10 Q Okay.</p> <p>11 MS. MOORE: Were you finished</p> <p>12 answering?</p> <p>13 THE WITNESS: Yes.</p> <p>14 A When she gave me the note, I accommodat</p> <p>15 the note.</p> <p>16 Q Okay. And when Ms. Griffith gave you the</p> <p>17 note sometime in 2000 for her start time to</p> <p>18 be at 10 a.m., did you discuss the arrival</p> <p>19 of Ms. Griffith being able to arrive at</p> <p>20 10 a.m., with any other employee --</p> <p>21 MS. MOORE: Objection.</p> <p>22 Q -- at CU?</p> <p>23 A I don't know.</p> <p>24 Q Did you discuss it with Michael Sisto?</p>
<p style="text-align: right;">90</p> <p>1 place to keep record of Ms. Griffith's</p> <p>2 attendance or job performance, other than</p> <p>3 these two documents that we have before us?</p> <p>4 A No. This is how I did it.</p> <p>5 Q Okay. All right. So directing your</p> <p>6 attention to Exhibit No. 4 --</p> <p>7 A Yes.</p> <p>8 Q Prior to April 12, 2000, was Ms. Griffith</p> <p>9 tardy on any date?</p> <p>10 A Yes.</p> <p>11 MS. MOORE: Objection.</p> <p>12 Q And when was Ms. Griffith tardy?</p> <p>13 A I couldn't tell you.</p> <p>14 Q How do you know she was tardy prior to</p> <p>15 April 12, 2000?</p> <p>16 A Because I started this after noticing a</p> <p>17 late time of arrival with her.</p> <p>18 Q And what was Ms. Griffith's arrival time in</p> <p>19 year 2000?</p> <p>20 A It was supposed to be 10 a.m.</p> <p>21 Q And why was Ms. Griffith's arrival time</p> <p>22 supposed to be at 10 a.m.?</p> <p>23 A Her doctor requested it.</p>	<p style="text-align: right;">92</p> <p>1 A Yes.</p> <p>2 Q And when did you discuss it with Michael</p> <p>3 Sisto?</p> <p>4 A I don't remember.</p> <p>5 Q Did you make the decision yourself solely</p> <p>6 to permit Ms. Griffith to come in at</p> <p>7 10 a.m.?</p> <p>8 MS. MOORE: Objection.</p> <p>9 A Yes.</p> <p>10 Q Okay. Is that something that CU afforded</p> <p>11 the supervisors -- I'm sorry. Strike that.</p> <p>12 Did the supervisor have</p> <p>13 discretion to grant late arrival time?</p> <p>14 MS. MOORE: Objection.</p> <p>15 A Yes.</p> <p>16 Q Ms. Scanlon, in her deposition, referred to</p> <p>17 it as flex time. Is that your</p> <p>18 understanding of what you were providing</p> <p>19 Ms. Griffith was flex time?</p> <p>20 MS. MOORE: Objection.</p> <p>21 A I guess you could call it that.</p> <p>22 Q Okay. When Ms. Griffith requested to come</p> <p>23 in at 10 a.m., did you speak with</p>

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<p style="text-align: right;">141</p> <p>1 with regards to the policy and procedures</p> <p>2 of how you should address the assignments</p> <p>3 of Ms. Griffith's production support, as</p> <p>4 you've stated?</p> <p>5 MS. MOORE: Objection.</p> <p>6 A No.</p> <p>7 Q Was it your discretion as to reassigning a</p> <p>8 production support project to another</p> <p>9 individual on the team?</p> <p>10 MS. MOORE: Objection.</p> <p>11 A Can you just restate that, please?</p> <p>12 Q Yes. Was it solely your discretion to</p> <p>13 assign the production support tasking that</p> <p>14 Ms. Griffith covered, to another individual</p> <p>15 in your team?</p> <p>16 A Yes.</p> <p>17 Q Did Michael Sisto review your decision to</p> <p>18 reassign Ms. Griffith's work while she was</p> <p>19 out under the FMLA Act?</p> <p>20 MS. MOORE: Objection.</p> <p>21 A What are you asking me? Did Mike review</p> <p>22 the work that I reassigned?</p> <p>23 Q Yes.</p> <p>24 A No.</p>	<p style="text-align: right;">143</p> <p>1 Q -- under the Family and Medical Leave Act?</p> <p>2 MS. MOORE: Objection.</p> <p>3 A I don't recall. I would have to look at</p> <p>4 the record.</p> <p>5 Q If you would, look at the record, please,</p> <p>6 then, according to your documentation</p> <p>7 (handing).</p> <p>8 A So that you know, I'm looking at the 2000</p> <p>9 attendance record for Bernadine Griffith.</p> <p>10 It's DEF 91 and DEF 92. So I count 18</p> <p>11 days.</p> <p>12 Q Okay.</p> <p>13 MS. MOORE: For the record, it</p> <p>14 appears on here as though gray shading</p> <p>15 begins on June 1 and ends on June 3, 2000.</p> <p>16 MS. HILL: And ends -- I'm</p> <p>17 sorry -- when?</p> <p>18 MS. MOORE: I'm sorry. . .</p> <p>19 June 23, 2000.</p> <p>20 Q Is that correct, Ms. Holmes? That's your</p> <p>21 understanding of when the FMLA is recorded</p> <p>22 on that particular document?</p> <p>23 A Yes.</p> <p>24 Q Okay. And how is it that you arrived</p>
<p style="text-align: right;">142</p> <p>1 Q Did Michael Sisto approve of the</p> <p>2 reassignment of Bernadine Griffith's work</p> <p>3 to another employee?</p> <p>4 MS. MOORE: Objection.</p> <p>5 A We didn't do that. We had jobs to do, and</p> <p>6 so he was just looking that the jobs got</p> <p>7 done. I don't think he was looking at what</p> <p>8 specific person was doing what specific</p> <p>9 job.</p> <p>10 As long as we were meeting our</p> <p>11 quotas of answering our service center</p> <p>12 tickets -- that's a system where the</p> <p>13 problem reports were in -- he wasn't -- he</p> <p>14 was managing me, but he wasn't asking --</p> <p>15 you know, he wasn't like, Who's doing every</p> <p>16 single detail?</p> <p>17 Q Were you able to meet the quota for the</p> <p>18 month of June, then, even though</p> <p>19 Ms. Griffith was out sick?</p> <p>20 A Yes.</p> <p>21 Q Okay. And for how long was Ms. Griffith</p> <p>22 out sick for the Family and Medical Leave</p>	<p style="text-align: right;">144</p> <p>1 at that Ms. Griffith was on Family and</p> <p>2 Medical Leave Act on June 1?</p> <p>3 A I answered that question that human</p> <p>4 resources told me.</p> <p>5 Q Okay. And were you contacted by human</p> <p>6 resources on each day when you recorded</p> <p>7 that she was out on Family and Medical</p> <p>8 Leave Act?</p> <p>9 MS. MOORE: Objection.</p> <p>10 A No. They called and told me that she was</p> <p>11 on FMLA and then -- you know, I guess</p> <p>12 they'd let me know when she was going to be</p> <p>13 returning.</p> <p>14 Q Okay.</p> <p>15 A But they didn't call me daily, that I</p> <p>16 recall.</p> <p>17 Q Okay. So the last day on this record,</p> <p>18 then, is the 23rd of June that it shows</p> <p>19 that Ms. Griffith was on the Family and</p> <p>20 Medical Leave Act.</p> <p>21 A (Nodding.)</p> <p>22 Q Did human resources call you on the 23rd to</p>

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<p>1 Q That's what you've referenced is page 35?</p> <p>2 A Right. But out of the Associate Relations,</p> <p>3 Associate Handbook. I don't believe that</p> <p>4 would be it (pointing).</p> <p>5 Q Okay.</p> <p>6 A I don't have that book.</p> <p>7 Q Did you give Ms. Griffith that book that</p> <p>8 you've referenced?</p> <p>9 A I don't recall.</p> <p>10 Q "Please see attached, page 35 of the</p> <p>11 Associate Relations, Associate Handbook."</p> <p>12 Did you give Ms. Griffith a copy of that</p> <p>13 handbook --</p> <p>14 MS. MOORE: Objection.</p> <p>15 A I don't remember.</p> <p>16 Q -- when you wrote this?</p> <p>17 A I don't remember.</p> <p>18 Q Okay. So with regards to the excessive</p> <p>19 absences and tardiness -- let's see.</p> <p>20 MS. HILL: Can I have that</p> <p>21 marked as Exhibit No. 9.</p> <p>22 (Exhibit No. 9, DEF 0118, was</p> <p>23 marked for identification.)</p> <p>24 Q I'm handing you what's been marked</p>	<p>1 unplanned absences?</p> <p>2 A Yes. But the other thing to note on this</p> <p>3 page is the next paragraph --</p> <p>4 Q Okay.</p> <p>5 A -- which is the FMLA, "If you have a</p> <p>6 serious health condition that qualifies</p> <p>7 under the FMLA, you are not limited to a</p> <p>8 particular number of occurrences, as long</p> <p>9 as you provide proper documentation."</p> <p>10 Q So --</p> <p>11 A I mean, this -- this page has, you know,</p> <p>12 information that I got on both things from</p> <p>13 here.</p> <p>14 Q And so what is it about this particular</p> <p>15 page that you are attempting to convey to</p> <p>16 Ms. Griffith in this notice?</p> <p>17 A Both excessive absence but that if</p> <p>18 there's -- excessive absences, which</p> <p>19 obviously the disciplinary action is</p> <p>20 addressing; but also if there's serious</p> <p>21 health issues, there's other avenues than</p> <p>22 calling in sick.</p> <p>23 Q Okay. And were you present when this</p> <p>24 Associate Disciplinary Action Notice was</p>
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<p>1 Exhibit No. 9 (handing).</p> <p>2 A Mm-mm, yes.</p> <p>3 Q Would you please identify that document.</p> <p>4 A It's DEF 0118, page 35 with no title on the</p> <p>5 paper. There's no title of this document.</p> <p>6 You know what I'm saying? There's</p> <p>7 subtitles on the document --</p> <p>8 Q Right.</p> <p>9 A -- and it's DEF 118.</p> <p>10 Q Okay. Is that the document that you were</p> <p>11 referring to in your May 23, 2000,</p> <p>12 Associate Disciplinary Action Notice?</p> <p>13 A Yes.</p> <p>14 Q So what is CU's policy pursuant to page 35</p> <p>15 of this document with regards to excessive</p> <p>16 absences?</p> <p>17 MS. MOORE: Objection.</p> <p>18 A Do you want me to read this?</p> <p>19 Q No, no. Just tell me what your</p> <p>20 understanding of what "excessive absences"</p> <p>21 is, according to page 35 of the Associate</p> <p>22 Relations, Associate Handbook.</p> <p>23 A It's frequent, unplanned absences.</p> <p>24 Q Okay. Anything else? Just frequent,</p>	<p>1 given to Ms. Griffith?</p> <p>2 A Yes.</p> <p>3 Q Okay. And so did you discuss that with</p> <p>4 Ms. Griffith, that she had other avenues to</p> <p>5 take if she were sick?</p> <p>6 MS. MOORE: Objection.</p> <p>7 A I don't recall.</p> <p>8 Q Do you recall referring to this page 35 and</p> <p>9 addressing these two issues under</p> <p>10 "Excessive Absence" and "Family Medical</p> <p>11 Leave Act" with Ms. Griffith?</p> <p>12 MS. MOORE: Objection.</p> <p>13 A I don't recall.</p> <p>14 Q Do you recall whether Ms. Griffith had any</p> <p>15 questions about excessive absences at this</p> <p>16 time?</p> <p>17 A I don't recall.</p> <p>18 Q Okay. Was anyone else present when you had</p> <p>19 the conversation with Ms. Griffith</p> <p>20 pertaining to this Associate Disciplinary</p> <p>21 Action Notice?</p> <p>22 A Yes.</p> <p>23 Q Who else was present in the room?</p> <p>24 A Mike Sisto.</p>

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<p>1 days"; is that correct?</p> <p>2 A Yes, that's what it says.</p> <p>3 Q And No. 1, "One week advance notice of</p> <p>4 vacation days"; No. 2, "No absence from</p> <p>5 work"; No. 3, "No tardiness."</p> <p>6 A (Nodding.)</p> <p>7 Q Did Ms. Griffith have any questions with</p> <p>8 regards to the corrective action that you</p> <p>9 required on this particular notice?</p> <p>10 MS. MOORE: Objection.</p> <p>11 A I don't recall. Can I make a statement</p> <p>12 about that?</p> <p>13 Q Sure.</p> <p>14 A I don't really -- I remember there was a</p> <p>15 meeting, and I remember that Bernadine was</p> <p>16 angry; and that's really all I remember</p> <p>17 about the meeting. And Bernadine left the</p> <p>18 meeting angry and did not sign this.</p> <p>19 So I -- I'm never going to be</p> <p>20 able to remember anything that was said or</p> <p>21 given. I -- that's my recollection. And</p> <p>22 so that's what I'd like to say about that.</p> <p>23 Q Do you remember where Ms. Griffith left</p> <p>24 after this meeting?</p>	<p>1 Q -- saying that she was at the emergency</p> <p>2 room?</p> <p>3 MS. MOORE: Objection.</p> <p>4 A I don't recall seeing a note.</p> <p>5 Q You don't recall any absence from CU on</p> <p>6 May 23?</p> <p>7 MS. MOORE: Objection.</p> <p>8 A I know that she left, and that's -- and</p> <p>9 human resources told me that she left and</p> <p>10 that she wasn't feeling well. That's what</p> <p>11 I know from May 23.</p> <p>12 Q Subsequent to May 23, did you have a</p> <p>13 conversation with Ms. Griffith about the</p> <p>14 corrective action that she needed to take</p> <p>15 with regards to this notice?</p> <p>16 A I don't recall.</p> <p>17 Q Okay. With regards to the corrective</p> <p>18 action on this particular notice, was it</p> <p>19 permissible for Ms. Griffith to be out</p> <p>20 sick?</p> <p>21 A I don't think that's clear here.</p> <p>22 Q Okay. Was it permissible for Ms. Griffith</p> <p>23 to be out on family/medical leave?</p> <p>24 A Yes.</p>
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<p>1 MS. MOORE: Objection.</p> <p>2 A We were in an office, and she got up and</p> <p>3 walked out and slammed the door, and I</p> <p>4 don't know where she went at that point.</p> <p>5 Q Was Ms. Griffith at work for the remainder</p> <p>6 of the day subsequent to this meeting?</p> <p>7 A I don't believe so.</p> <p>8 Q And do you know whether or not she left CU?</p> <p>9 MS. MOORE: Objection.</p> <p>10 A Later on I was told by HR that she had</p> <p>11 left.</p> <p>12 Q And where did Ms. Griffith leave for?</p> <p>13 MS. MOORE: Objection.</p> <p>14 A I don't know. I think -- all I know is</p> <p>15 that human resources said that she left,</p> <p>16 she wasn't feeling well, and that she was</p> <p>17 not coming back that day.</p> <p>18 Q And did Ms. Griffith report back to work</p> <p>19 with a note later?</p> <p>20 MS. MOORE: Objection.</p> <p>21 A I don't recall.</p> <p>22 Q A medical note --</p> <p>23 MS. MOORE: Objection.</p> <p>24 A I don't recall</p>	<p>1 Q Okay. Directing your attention to</p> <p>2 Exhibit 8 now -- if you could take a look</p> <p>3 at that and identify that particular</p> <p>4 document.</p> <p>5 THE WITNESS: Kristin, I'm</p> <p>6 looking at Associate Disciplinary Action</p> <p>7 Notice, DEF 114, DEF 115, dated July 27,</p> <p>8 2000.</p> <p>9 Q Ms. Holmes, is that your handwriting on</p> <p>10 page 114?</p> <p>11 A Yes, it is.</p> <p>12 Q And is that also your handwriting on</p> <p>13 page 115?</p> <p>14 A Yes, it is.</p> <p>15 Q Is anyone else's handwriting on either of</p> <p>16 those two pages?</p> <p>17 A Yes, on DEF 115.</p> <p>18 Q And whose handwriting is that?</p> <p>19 A It appears to be Lisa Studholme, I believe.</p> <p>20 Q And who is Lisa Studholme?</p> <p>21 A She was a human resources -- I don't</p> <p>22 know -- associate.</p> <p>23 Q Okay. And by that you mean other</p> <p>24 writing -- you're referring only to her</p>